

Plaintiff

DAVID RIBEIRO

v.

Defendants

civil action
NO. 04-30201-KPN

Holyoke Police officer's
David S. Usher, Martin W. Warey,
Paul M. Kelly, James D. Briant,
et. Higgins, District Attorney,
William Bennett, Holyoke Police Dept.
Commonwealth of Massachusetts
City of Holyoke

Complaint

Parties

- 1) Plaintiff David Ribeiro is a resident of Holyoke Massachusetts and a citizen of the United States.
- 2) The defendant(s) David S. Usher is an officer of the Holyoke Police Dept. and is a citizen of the United States.
- 3) The defendant Martin W. Warey is an officer of the Holyoke Police Dept. and is a citizen of the United States.
- 4) The defendant Paul M. Kelly is an officer of the Holyoke Police Dept. And a citizen of the United States.
- 5) The defendant James D. Briant is an officer of the Holyoke Police Dept. and a citizen of the United States.
- 6) The defendant et. Higgins is an officer of the Holyoke Police Dept. and a citizen of the United States.
- 7) The defendant William Bennett is an officer of the District Attorney's office and a citizen of the United States.
- 8) The above named defendants are employed by the Holyoke Police Dept, City of Holyoke and the Commonwealth of Massachusetts.

Jurisdiction

- 9) This court has jurisdiction over this matter pursuant to 28 U.S.C § 2254.

- 10.) Plaintiff's fifth, sixth and fourteenth amendments of the US constitution were violated by defendants, due to police reports being fabricated and falsified in regard to plaintiff's miranda rights and signature of said rights on miranda warning card.
- 11.) Police failed to read plaintiff his miranda rights upon arrest of plaintiff. Police lied about plaintiff signing miranda warning paper as indicated in police report.
- 12.) District Attorney is negligent in his duty to identify violations of civil rights in fabricated police reports.
District Attorney William Bennett is pursuing criminal case against plaintiff when plaintiff's clearly established civil and constitutional rights have ^{been} violated and is maliciously prosecuting plaintiff.
- 13.) Plaintiff is under extreme duress, stress, mental anguish, pain and suffering, loss of life, liberty due to false arrest and wrongful incarceration.
- 14.) Police obstructed justice by lying on police reports and abused their authority. Police report indicates (3) three different police officers read plaintiff his miranda rights. Plaintiff was never read any rights and was not allowed to use telephone as well. conflicting statements by police in police report indicate police attempt to "cover up" violations of Plaintiff's clearly established civil and constitutional rights.
- 15.) Plaintiff's civil and constitutional rights were further violated by judicial system in regard to an unreasonable bail (\$50,000 cash.)
- 16.) Plaintiff suffers mental anguish, stress, duress, pain and suffering due to headaches, depression, anxiety and physical and psychological problems. Plaintiff takes medication for said ailments.
- 17.) upon arrest of Plaintiff, Holyoke Police officers made racial slurs and epithets regarding Plaintiff's ethnic background of hispanic origin.
"we got you spic."
"people like you ruin our city."
- 18.) Plaintiff was threatened by police to put on mask worn by perpetrator of crime.
Plaintiff was intimidated by police and aggressive tactics.
- 19.) The plaintiff seeks compensatory and monetary damages in the sum of Ten million dollars (\$10,000,000.)
- 20.) wherefore Plaintiff demands Judgement against defendants for damages and such other relief this court deems just.
- 21.) Plaintiff wishes to sue each defendant in their official capacity as well as individual capacity if federal judge(s) determine that plaintiff's clearly established civil and constitutional rights were violated with malicious intent.

- 22.) Plaintiff further demands release from incarceration (county or state) if Plaintiff is still in custody.
- 23.) Plaintiff demands trial by judge
- 24.) wherefore plaintiff demands judgement against defendants for damages and such other relief this court deems just.

David Ribeiro (pro se) Date: 9-14-04
David Ribeiro
629 Randall Road
Ludlow MA, 01056